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January 21, 2009

Honorable Viktor V. Pohorelsky  
United States Courthouse  
225 Cadman Plaza East  
Brooklyn, N.Y. 11201

Re: *Senat v. City of New York*, 08 CV 2732 (RJD) (VVP)

Your Honor:

I represent the plaintiff in this civil rights case brought against the City of New York and Officer Patrick Olewinski. Plaintiff alleges false arrest, excessive force, two illegal strip searches, and falsification of evidence. I write concerning a discovery request that requires court intervention.

I served defense counsel with plaintiff's first set of interrogatories and requests for production of documents on October 24, 2008. Despite the fact that I have given defense counsel several extensions, he has yet to respond to plaintiff's discovery requests. I request that the Court order defense counsel to answer the requests as soon as possible.

Moreover, due to the untimeliness of defendants' discovery responses, I request that Your Honor preclude defendants from interposing objections to the requests. *See Eldhagar v. City of New York Dept. of Citywide Admin. Servs.*, No. 02 Civ. 9151, 2003 WL 22455224 (S.D.N.Y. Oct. 28, 2003) ("The law is well settled that a failure to assert objections to a discovery request in a timely manner operates as a waiver").

Sincerely,

/s/

Richard J. Cardinale

Copy: Karl Ashanti